

ORDINANCE NO. 920820- I

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1992 AS FOLLOWS: 3.284 ACRE TRACT OF LAND OUT OF THE ST. DAVID'S COMMUNITY HOSPITAL ADDITION, FROM "LO" LIMITED OFFICE DISTRICT AND "MF-3" MULTIFAMILY RESIDENCE (MEDIUM DENSITY) DISTRICT TO "GR-CO" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT, LOCALLY KNOWN AS 919 EAST 32ND STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That Chapter 13-2 of the Austin City Code of 1992 is amended to change the base zoning district from "LO" Limited Office district and "MF-3" Multifamily Residence (Medium Density) district to "GR" Community Commercial district-Conditional Overlay combining district on the property described in File C14-92-0071, as follows:

3.284 acre tract of land out of the St. David's Community Hospital Addition, said 3.284 acre tract being more particularly described by metes and bounds in "Exhibit A" attached and incorporated herein for all purposes,

locally known as 919 East 32nd Street, in the City of Austin, Travis County, Texas.

PART 2. That the property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:

1. Uses of the Property shall be restricted to the following conditions: (i) the range of permitted uses authorized in the "GR" Community Commercial base district as set forth in Sec. 13-2-221 of the Austin City Code shall be prohibited, except that Commercial off-street parking use shall be permitted; and (ii) the range of permitted uses authorized in the "GO" General Office base district shall be permitted on the Property.

Except as specifically restricted pursuant to this ordinance, the property may be developed and used in accordance with the regulations established for the "GR" Community Commercial base district and other applicable requirements of the Land Development Code.

PART 3. That it is ordered that the Zoning Map established by Sec. 13-2-22 of the Austin City Code of 1992 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

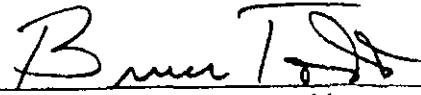
PART 4. That the requirement imposed by Section 2-2-3 of the Austin City Code of 1992 that this ordinance be read on three separate days shall be waived by the affirmative vote of five members of the City Council to pass this ordinance through more than one reading on a single vote.

PART 5. That this ordinance shall become effective upon the expiration of ten days following the date of its final passage.

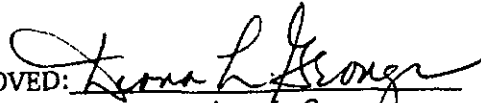
PASSED AND APPROVED:

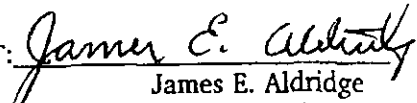
August 20, 1992

§
§
§
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Bruce Todd
Mayor

APPROVED: 
Diana L. Granger
City Attorney

ATTEST: 
James E. Aldridge
City Clerk

20Aug92
ME/jj

METCALFE & SANDERS, INC./LAND SURVEYORS

4800 SOUTH CONGRESS
AUSTIN, TEXAS 78745
(512) 442-9363

SURVEYS & RECORDS SINCE 1904

FIELD NOTES OF A SURVEY OF 3.284 ACRES OF LAND, BEING A PORTION OF LOT 1, ST. DAVID'S COMMUNITY HOSPITAL ADDITION, A SUBDIVISION OF A PORTION OF OUTLOT 23, DIVISION "C" OF THE GOVERNMENT TRACTS ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAID ST. DAVID'S COMMUNITY HOSPITAL ADDITION BEING SHOWN ON A MAP OR PLAT OF RECORD IN PLAT BOOK 81, PAGES 366 AND 367, TRAVIS COUNTY PLAT RECORDS, AND BEING THAT SAME TRACT DESCRIBED IN EXHIBIT "A" AS 3.284 ACRES IN THE AMENDED AND RESTATED LEASE AGREEMENT BY AND BETWEEN ST. DAVID'S HOSPITAL AND PARK ST. DAVID PROFESSIONAL BUILDING, LTD. IN VOLUME 7365, PAGE 492, TRAVIS COUNTY DEED RECORDS, AND TRANSFERRED IN AN ASSIGNMENT OF GROUND LEASE FROM PARK ST. DAVID PROFESSIONAL BUILDING, LTD. TO ST. DAVID'S HOSPITAL IN VOLUME 10021, PAGE 648, TRAVIS COUNTY DEED RECORDS, AND BEING THAT SAME 3.284 ACRE TRACT DESCRIBED IN A MODIFICATION AND ASSUMPTION AGREEMENT BY AND BETWEEN ST. DAVID'S COMMUNITY HOSPITAL, MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY AND PARK ST. DAVID PROFESSIONAL BUILDING, LTD. IN VOLUME 10087, PAGE 488, TRAVIS COUNTY DEED RECORDS, SAID 3.284 ACRE TRACT BEING A PORTION OF LOTS 5, 6 & 7 OF OUTLOT 23, DIVISION "C" IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT TRACT DESCRIBED IN A DEED FROM KATHARINE PARR HAMILTON TO ST. DAVID'S HOSPITAL IN VOLUME 2698, PAGE 444, TRAVIS COUNTY DEED RECORDS, AND BEING A PORTION OF THAT TRACT DESCRIBED IN A DEED FROM JOHANNES BOHN, ET UX TO ST. DAVID'S HOSPITAL IN VOLUME 1886, PAGE 234, TRAVIS COUNTY DEED RECORDS, AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN A DEED FROM JOHN FELTER TO ST. DAVID'S HOSPITAL IN VOLUME 3986, PAGE 1322, TRAVIS COUNTY DEED RECORDS, AS SURVEYED FOR ST. DAVID'S COMMUNITY HOSPITAL BY METCALFE & SANDERS, INC., LAND SURVEYORS, 4800 SOUTH CONGRESS, AUSTIN, TEXAS.

Beginning at an iron stake at the southwest corner of Lot 1, Gruesen Resubdivision of a Portion of Lot 6, Outlot 23, Division "C", in the City of Austin, Travis County, Texas, as shown on a map of record in Plat Book 10, Page 77, Travis County Plat Records, and being also at an interior corner of Lot 1, St. David's Community Hospital Addition, a subdivision of a portion of Outlot 23, Division "C" of the Government Tract Adjoining the Original City of Austin, Travis County, Texas, of record in Plat Book 81, Pages 366 and 367, Travis County Plat Records, and being also a corner in the most easterly north line of that tract described in Exhibit "A" as 3.284 acres in the Amended and Restated Lease Agreement By and Between St. David's Hospital and Park St. David Professional Building, Ltd. in Volume 7365, Page 492, Travis County Deed Records, and transferred in an Assignment of Ground Lease from Park St. David Professional Building, Ltd. to St. David's Hospital in Volume 10021, Page 648, Travis County Deed Records, and a corner in the most

easterly north line of that 3.284 acre tract described in a Modification and Assumption Agreement By and Between St. David's Community Hospital, Massachusetts Mutual Life Insurance Company and Park St. David Professional Building, Ltd. in Volume 10087, Page 488, Travis County Deed Records, for a corner in the most easterly north line of the herein described tract;

(1) THENCE with the most easterly north line of said Lot 1, St. David's Community Hospital Addition, and the most easterly north line of the said 3.284 acre tract, and being also with the south line of said Lot 1, Gruesen Resubdivision, S 59° 40' E 80.02 feet to a 1/2" iron pipe found at the southeast corner of said Lot 1, Gruesen Resubdivision and the southwest corner of Lot 2 of said Gruesen Resubdivision, said iron pipe being also the southwest corner of that tract of land described in Tract Two in a deed from Milton Turner, M.D., et ux to St. David's Hospital in Volume 7337, Page 424, Travis County Deed Records;

(2) THENCE with the north line of said Lot 1, St. David's Community Hospital Addition and the most easterly north line of the 3.284 acre tract, and being also with the south line of said Lot 2, Gruesen Resubdivision and with the south line of the said St. David's Community Hospital Tract Two, S 59° 45' E 22.81 feet to a 1/2" iron pipe found;

(3) THENCE with the north line of said Lot 1, St. David's Community Hospital Addition and the most easterly north line of the 3.284 acre tract, and being also with the south line of said Lot 2, Gruesen Resubdivision and with the south line of the St. David's Community Hospital Tract Two, and with the south line of that tract of land described in Tract One in said deed to St. David's Hospital in Volume 7337, Page 424, Travis County Deed Records, S 59° 08' E 103.57 feet to a 1/2" iron pipe found at the northeast corner of said Lot 1, St. David's Community Hospital Addition and the most easterly northeast corner of the said 3.284 acre tract, said iron pipe being the northwest corner of Lot 5A of Joe Manor Trustee Subdivision, of record in Plat Book 16, Page 43, Travis County Plat Records, for the most easterly northeast corner of the herein described tract;

(4) THENCE with the east line of said Lot 1, St. David's Community Hospital Addition, and the most easterly east line of the said 3.284 acre tract, and being also the west line of said Lot 5A of the Joe Manor Trustee Subdivision, S 30° 36' W 307.47 feet to a rivet found in concrete in the north line of East 30th Street at the southeast corner of said Lot 1, St. David's Community Hospital Addition and the southeast corner of the said 3.284 acre tract, and the southwest corner of said Lot 5A of the Joe Manor Trustee Subdivision, for the southeast corner of the herein described tract;

(5) THENCE with the north line of East 30th Street and the south line of said Lot 1, St. David's Community Hospital Addition, and being also with the south line of the said 3.284 acre tract, N 59° 29' W 97.01 feet to a 60^d nail found in an expansion joint in a concrete driveway;

(6) THENCE with the north line of East 30th Street and the south line of said Lot 1, St. David's Community Hospital Addition, and being also the south line of the said 3.284 acre tract, N 59° 46' W 162.18 feet to a 1/2" iron pipe found;

(7) THENCE with the north line of East 30th Street and the south line of said Lot 1, St. David's Community Hospital Addition, and being also the south line of the said 3.284 acre tract, N 55° 27' 30" W 201.36 feet to a 1/2" iron pipe found;

(8) THENCE with the curving north line of East 30th Street and the curving south line of said Lot 1, St. David's Community Hospital Addition, and being the curving south line of the said 3.284 acre tract, with a curve to the left an arc distance of 98.97 feet, said curve having a radius of 281.27 feet and a chord of which bears, N 65° 32' 30" W 98.46 feet to a 1/2" iron pipe found at point of tangency;

(9) THENCE with the north line of East 30th Street and the south line of said Lot 1, St. David's Community Hospital Addition, and being also the south line of the said 3.284 acre tract, N 75° 37' 15" W 93.28 feet to an iron stake found at the northeast intersection of East 30th Street and Red River Street at the southwest corner of the said 3.284 acre tract, for the southwest corner of the herein described tract;

(10) THENCE with the east line of Red River Street and the most westerly west line of said Lot 1, St. David's Community Hospital Addition, and being also with the most westerly west line of the said 3.284 acre tract, N 13° 19' 15" W 139.88 feet to a 1/2" iron pipe found at the most westerly corner of the said 3.284 acre tract, for the most westerly corner of the herein described tract;

(11) THENCE with a west line of the said 3.284 acre tract, N 30° 05' 20" E 80.67 feet to a rivet found in concrete at the most westerly northwest corner of the said 3.284 acre tract, for the most westerly northwest corner of the herein described tract;

(12) THENCE with the most westerly north line of the said 3.284 acre tract, N 76° 38' E 82.77 feet to a 1/2" iron pipe set for the most westerly northeast corner of the said 3.284 acre tract, for the most westerly northeast corner of the herein described tract;

(13) THENCE with an east line of the said 3.284 acre tract, S 10° 27' 30" E 121.78 feet to a 1/2" steel pin found at an interior corner of the said 3.284 acre tract, for an interior corner of the herein described tract;

(14) THENCE with a north line of the said 3.284 acre tract, S 59° 30' E 193.22 feet to a rivet found in concrete at a northeast corner of the said 3.284 acre tract, for a northeast corner of the herein described tract;

(15) THENCE with an east line of the said 3.284 acre tract,
S 10° 00' W 24.10 feet to a rivet found in concrete at an interior corner of
the said 3.284 acre tract, for an interior corner of the herein described
tract;

(16) THENCE with a north line of the said 3.284 acre tract,
S 80° 00' E 25.20 feet to a rivet found in concrete at an interior corner of
the said 3.284 acre tract, for an interior corner of the herein described
tract;

(17) THENCE with a west line of the said 3.284 acre tract,
N 10° 00' E 14.68 feet to a rivet found in concrete at a northwest corner of
the said 3.284 acre tract, for a northwest corner of the herein described
tract;

(18) THENCE with a north line of the said 3.284 acre tract,
S 59° 30' E 125.54 feet to a 1/2" iron pipe found at an interior corner of
the said 3.284 acre tract, for an interior corner of the herein described
tract;

(19) THENCE with a west line of the said 3.284 acre tract,
N 30° 36' E 183.34 feet to a 1/2" iron pipe found at the most easterly
northwest corner of the said 3.284 acre tract, for the most easterly
northwest corner of the herein described tract;

(20) THENCE with the most easterly-north line of the said 3.284 acre
tract, S 59° 46' E 53.62 feet to the place of the beginning, containing
3.284 acres of land.

Surveyed March 4, 1981. Survey Updated and Field
Notes Prepared November 18, 1987.



METCALPE & SANDERS, INC.
Land Surveyors

By:

A handwritten signature in dark ink, appearing to read "George L. Sanders".

George L. Sanders
Registered Public Surveyor #1838

Plan R227-D
Ref. Plans R227,
7825, 8006-C, 8927
FB 714, P 48
FB 586, P 1
FB 569, P 15
FB 517, P 52
4FN87/87321.02

Austin American-Statesman

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared:

Jean Goehring

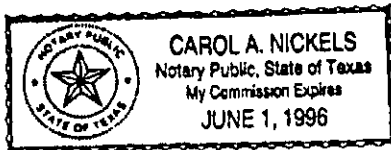
Classified Advertising Agent of the Austin American-Statesman, a daily newspaper published in said County and State that is generally circulated in Travis, Hays, and Williamson Counties, who being duly sworn by me, states that the attached advertisement was published in said newspaper on the following dates, to wit:

September 5th of 1992

Cost: 35.34

and that the attached is a true copy of said advertisement.

SWORN AND SUBSCRIBED TO BEFORE ME, this the 1st day of Oct, 1992.



Carol A. Nickels
(Type or Print Name of Notary)

Carol A. Nickels
Notary Public in and for
TRAVIS COUNTY, TEXAS

6/01/96
(My Commission Expires:)

An affidavit of title is being prepared and changed to reflect the sub-completing. Chapter 34 of the Austin City Code of 1991 defines 3.284 acre tract of land out of the St. David's Community Hospital addition from "10" limited office district and "MF-3" multi-family residence (medium density) district as "GR-00" community center district. This is a 3.284 acre tract of land located at 100 East 3rd Street, in the city of Austin, Travis County, Texas, within the sub-division the reading of the map and the reading of the map.

CITY OF AUSTIN
BOARD OF ADJUSTMENT/SIGN REVIEW BOARD
DECISION SHEET

☒ y Greg Smith
☒ y Barbara Aybar **SECOND**
☒ y Bryan King
☒ y Leane Heldenfels, Vice Chair
☒ y Frank Fuentes, Chair **MOTION TO APPROVE**
☒ y Betty Edgemond
☒ y Michael von Ohlen

DATE: May 8, 2006
CASE NUMBER: C15-06-063

APPLICANT: John Joseph, Jr. for St. David's Healthcare Partnership

ADDRESS: 3000 North IH-35

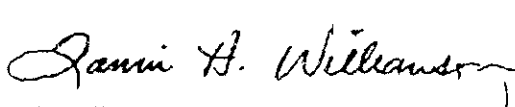
VARIANCE REQUESTED: The applicant has requested a variance to increase the maximum height requirement of Section 25-2-492 (D) from 60 feet in height to 120 feet in height for the building with an additional height of 18.5% of 120 feet for the decorative towers and 15% of 120 feet for other objects in order to erect a Medical Office facility in a "GO", General Office zoning district. (Previously approved by the Board of Adjustment on September 23, 2004, but has since expired.)

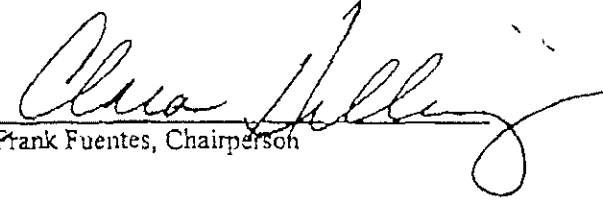
BOARD'S DECISION: **GRANTED 7-0**

FINDINGS:

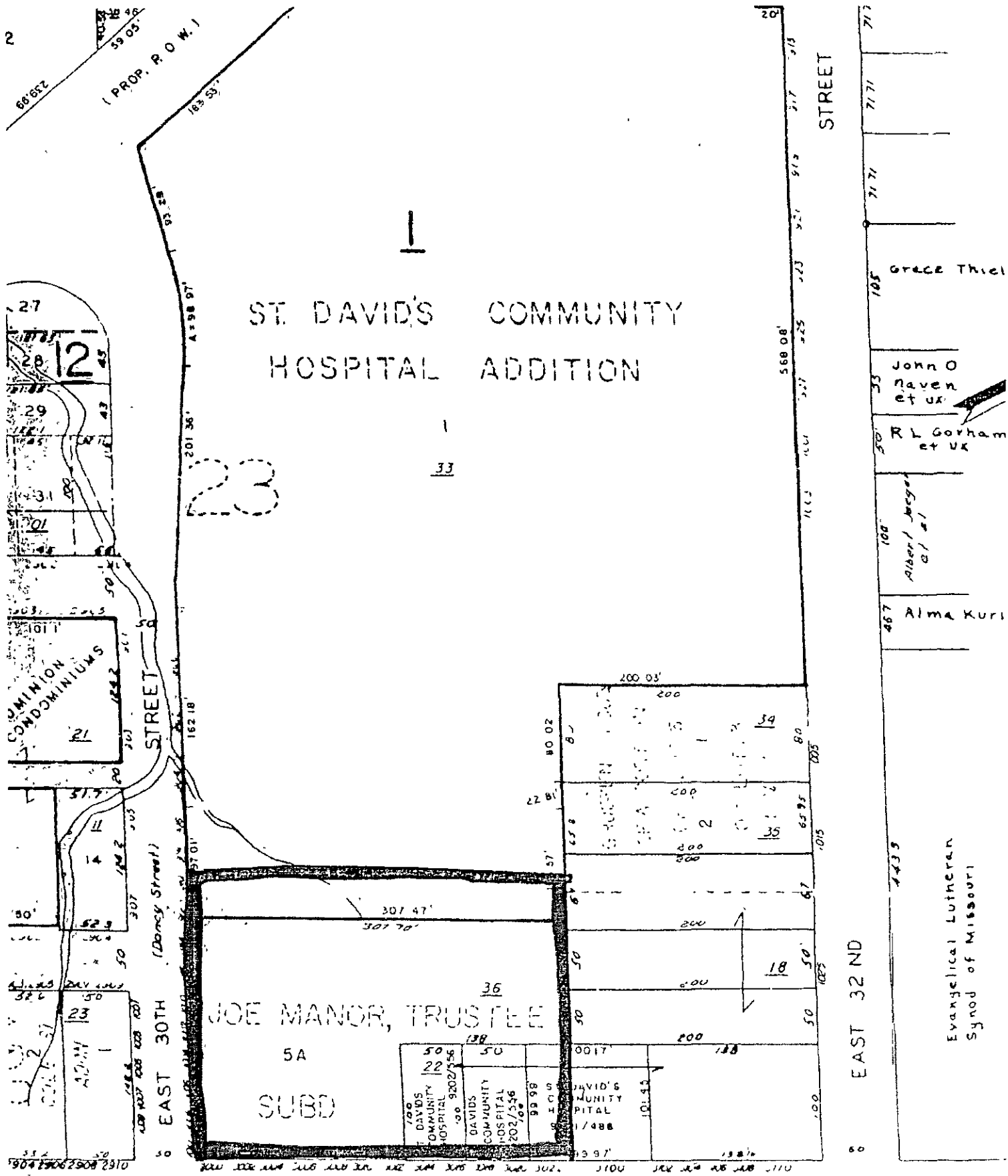
1. The Zoning regulations applicable to the property do not allow for a reasonable use because the hospital is located in a residential area where the height is restricted
- 2 (a) The hardship for which the variance is requested is unique to the property in that: the hospital was built in 1955 but needs expansion but surrounding properties are developed.

(b) The hardship is not general to the area in which the property is located because: there are no other hospitals in the immediate area
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because: the additional height will allow additional medical offices necessary to allow physicians to be in close proximity to their patients.


Tammie Williamson, Executive Secretary


Frank Fuentes, Chairperson

51,000,000 - 11/30/10 - 13



(East Ave. Commerce Rd)

HIGHWAY / INTERSTATE 35

CITY OF AUSTIN
BOARD OF ADJUSTMENT/SIGN REVIEW BOARD
DECISION SHEET

☒ y Greg Smith
☒ y Barbara Aybar **SECOND** DATE: May 8, 2006
☒ y Bryan King
☒ y Leane Heldenfels, Vice Chair CASE NUMBER: C15-06-063
☒ y Frank Fuentes, Chair **MOTION TO APPROVE**
☒ y Betty Edgemond
☒ y Michael von Ohlen

APPLICANT: John Joseph, Jr. for St. David's Healthcare Partnership

ADDRESS: 3000 North IH-35

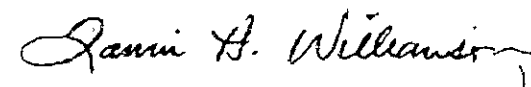
VARIANCE REQUESTED: The applicant has requested a variance to increase the maximum height requirement of Section 25-2-492 (D) from 60 feet in height to 120 feet in height for the building with an additional height of 18.5% of 120 feet for the decorative towers and 15% of 120 feet for other objects in order to erect a Medical Office facility in a "GO", General Office zoning district. (Previously approved by the Board of Adjustment on September 23, 2004, but has since expired)

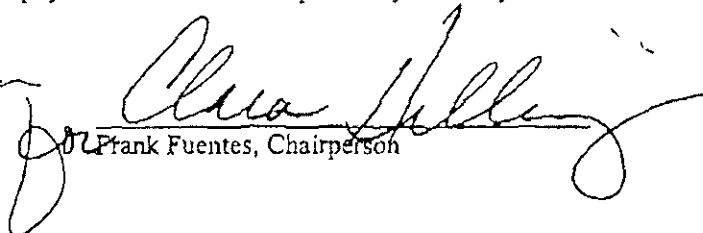
BOARD'S DECISION: **GRANTED 7-0**

FINDINGS:

- 1 The Zoning regulations applicable to the property do not allow for a reasonable use because: the hospital is located in a residential area where the height is restricted.
2. (a) The hardship for which the variance is requested is unique to the property in that the hospital was built in 1955 but needs expansion but surrounding properties are developed.

(b) The hardship is not general to the area in which the property is located because: there are no other hospitals in the immediate area
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because the additional height will allow additional medical offices necessary to allow physicians to be in close proximity to their patients.


Tammie Williamson, Executive Secretary


Frank Fuentes, Chairperson

2

66'652

59'05

(PROP. P.O.W.)

162'53

03'28

20'36

162'18

57'01

307'47

307'70

5A

23

ST. DAVID'S COMMUNITY HOSPITAL ADDITION

33

CONDOMINIUMS

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ST. DAVID'S COMMUNITY
HOSPITAL ADDITION

33

UNION
CONDOMINIUMS
21

EAST 30TH (Dancy Street)

JOE MANOR, TRUSTEE

5A

SUBD

100	DAVIDS	50	50
	COMMUNITY	22	
	SPIRAL	9302/56	
100	DAVIDS	50	50
	COMMUNITY		
	SPIRAL	2/56	
100	DAVIDS	9302/56	

STREET

FAST 32ND

3	Grace Thiel
7	John O. Naven et ux
50	R L. Gorham et ux
100	Albert Jergen et al.
57	Alma Kuri

Evangelical Lutheran
Synod of Missouri

(East Ave Cameron Qd)

HIGHWAY / INTERSTATE 35

EXHIBIT “A”

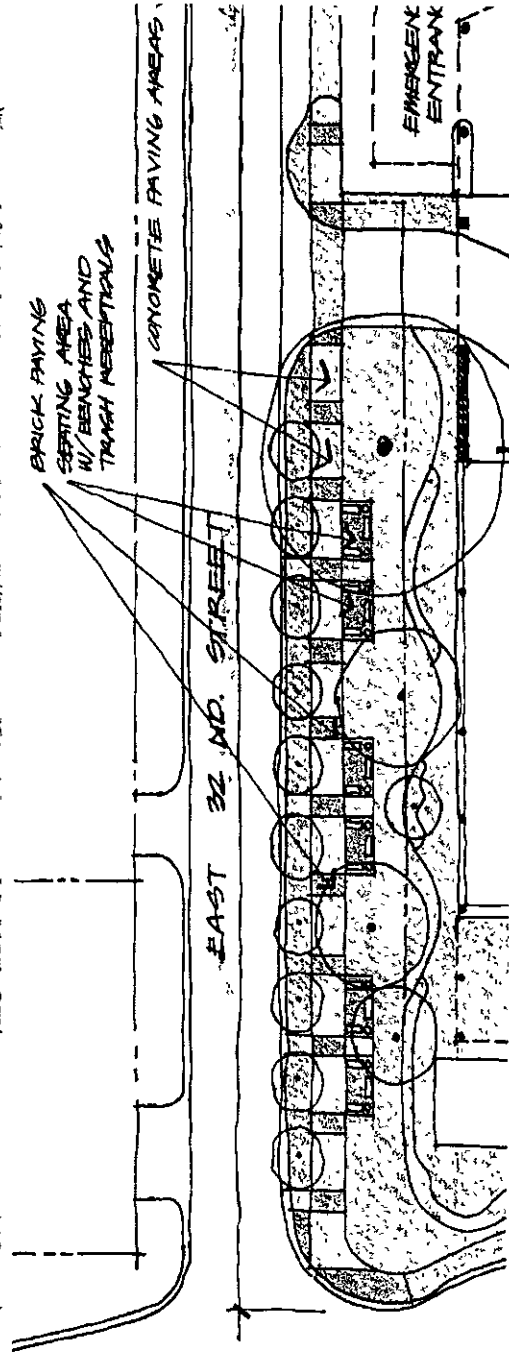
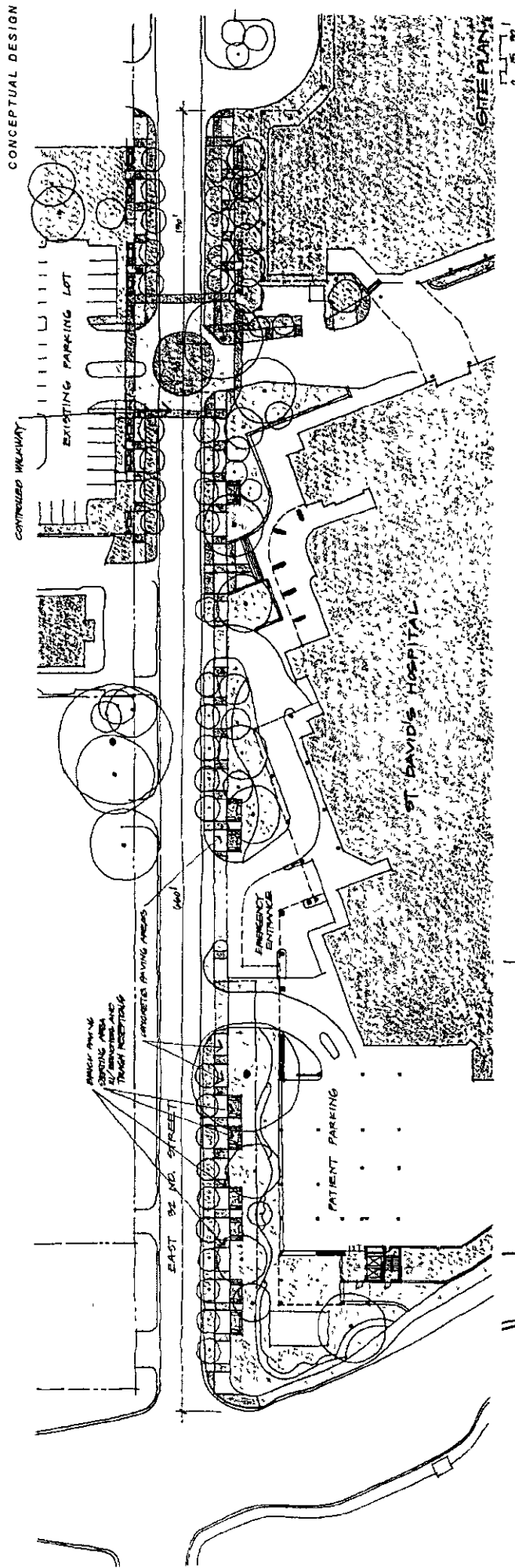
PERMITTED USES

General Hospital and Medical services for the care and treatment of pre-natal, pediatric, infant, and geriatric patients, including without limitation any and all of the following:

1. **Administrative and Business Offices**· Offices for executive, management, or administrative services;
2. **Building Maintenance and Services**. Medical Support Services, including, but not limited to janitorial services, landscape maintenance, and window cleaning services;
3. **Business Support Services** Medical equipment leasing and sales, medical equipment repair,
4. **Camp**: Indoor or outdoor activities for children including sports, arts and crafts, entertainment, recreation, educational services and incidental food services;
- 5 **Club or Lodge**. Meeting, recreational or social facilities used by a private or non-profit association, ie: AA, MADD;
6. **College and University Facilities**. Education and support; General Medical Teaching and Continuing Education Facilities, medical employment training and temporary employment services;
- 7 **Commercial Blood Plasma Center**: Facility for the donation or sale by individual donors of blood plasma and other blood products;
- 7 **Commercial Off Street Parking**. Commercial parking lots and garages;
- 8 **Community Events**: Community outreach services and education;
- 9 **Community Recreation**: Indoor and outdoor recreational facility used by residents, patients and guests;
- 10 **Convalescent Services**: Skilled nursing services and long term acute care hospital,
- 11 **Counseling Services**: Daytime counseling for neglected or abused children;
- 12 **Daycare Services**: Child care facilities;
13. **Employee Recreation**: Indoor or outdoor recreational facility used by employees located on the property,

14. **Food Sales:** Retail sale of food including delicatessens, retail bakeries and candy sales;
15. **General Retail Sales:** Sale of commonly used goods including pharmaceutical sales and services,
16. **Guidance Services:** Counseling, guidance, recuperative or similar services to persons requiring rehabilitation services as a result of mental illness, drug or alcohol abuse or similar condition;
17. **Heliport :** A single structure equipped to handle the take-off and landing of a helicopter
18. **Hospital Services:** In-patient and out-patient hospital services and non-elective surgical services, Pediatric and adult in-patient and out-patient rehabilitation services, emergency treatment, diagnostic services, training and administration;
19. **Hotel-Motel.** Rooms for temporary lodging,
20. **Indoor Entertainment** Conference and meeting facilities,
21. **Laundry Services:** Site for the provision of laundering including bulk laundry and linen supply,
22. **Medical Offices** Medical treatment and diagnosis services, relating to oncological services, including, but not limited to: a) Radiation Therapy, b) Chemotherapy, c) Homeopathic Treatment, d) Holistic Treatment, e) Reproductive Services, and f) any such Experimental Therapies as may apply;
23. **Off-Site Accessory Parking:** Provision of parking located on a different site from the principal use,
24. **Personal Improvement Services:** Informational, instructional or personal improvement including, but not limited to health and physical fitness,
25. **Personal Services:** Periodically needed personal services including, but not limited to beauty or barber shops and drycleaning services,
26. **Professional Office:** Professional services including, but not limited to accounting offices;
27. **Recreational Equipment Maintenance and Storage** Maintenance, service and storage of sports equipment;
28. **Religious Assembly:** Religious worship or education;

29. **Research Services:** Diagnostic services and studies, such as, but not limited to sleep studies, diabetes studies, scientific research and scientific support services;
30. **Research Testing Services.** Research activity permitted only with a Planned Utility District;
31. **Research Warehousing Services:** Storage of materials or equipment related to research services;
32. **Residential Treatment:** Pediatric and Adult in-patient and out-patient psychiatric and psychological services, transitional services, residential facilities in support of medical hospital services, i.e , Ronald McDonald House and housing for medical students and faculty;
33. **Restaurant:** Preparation and sale of food and beverages for on premise consumption,
34. **Safety Services:** Pediatric and Adult emergency medical services, treatment and conveyances including, but not limited to. a) heliport, b) ambulatory, and/or c) vehicular,
35. **Telecommunication Tower.** Structures built to support antenna for receiving or transmitting electronic data or telecommunications.



**ST. DAVID'S
MEDICAL CENTER**

**PARKING GARAGE AND
MEDICAL OFFICE BUILDING**

PUD Height 175'

PUD Height 125'

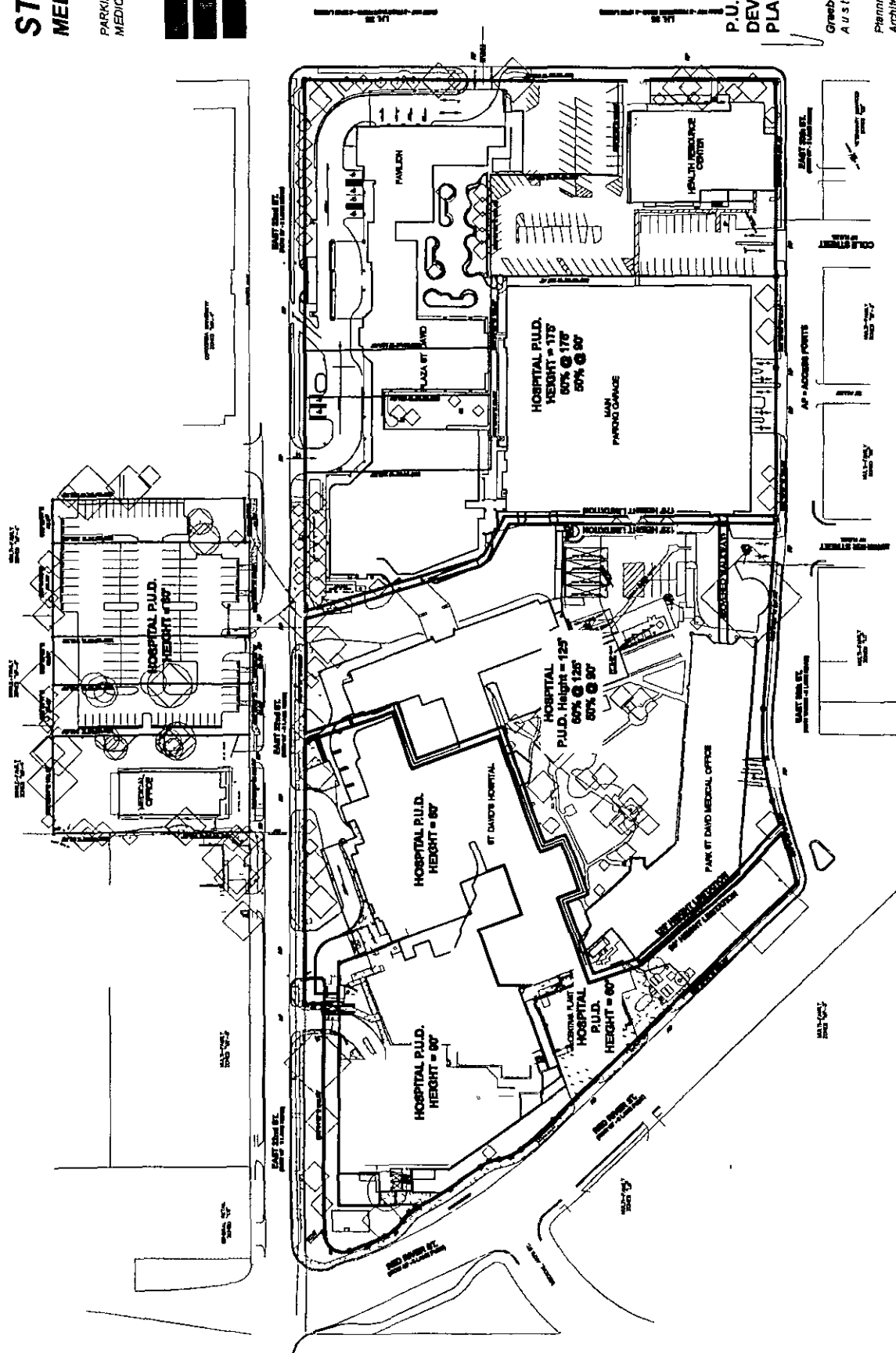
PUD Height 90'

**P.U.D. GENERAL
DEVELOPMENT
PLAN**

Graber, Simmons & Cowan, Inc
Austin

**Planning
Architecture
Interior Architecture**

MARCH 09 2005





MINTER, JOSEPH & THORNHILL, PC

811 Barton Springs Rd
Suite 800
Austin, Texas 78704-1196
phone 512 478 1075
fax 512 478 5838
www.mjtpc.com

March 28, 2006

John Joseph Jr
jjosephjr@mjtpc.com
Extension 114
(Not licensed to practice law)

City of Austin
Joe Pantalione, Director
Watershed Protection and Development Review Dept.
505 Barton Springs Rd.
Austin, Texas 78704

Re: St. David's Medical Center Planned Unit Development; Updated PUD Purpose Statement

Dear Joe:

The purpose of this correspondence is to provide a statement of the purpose for this Planned Unit Development "PUD", the proposed conceptual land use plan and site development regulations for the St. David's Medical Center PUD land use plan and briefly discuss why the proposed PUD meets the applicable criteria set forth in the City of Austin Land Development Code "LDC" and should be approved by the City of Austin. As you are aware the St. David's Hospital, and I will refer to it as the "Hospital" throughout, has been operated at its present location since 1955.

St. David's Medical Center is wholly owned by HTI-ADC Venture (composed of HCA Inc. and St. David's Healthcare System, Inc. as venture partners) the same venture partners that operate four hospitals including, Round Rock Medical Center, South Austin Hospital and St. David's North Austin Medical Center.

The Hospital was originally formed by a group of local surgeons in 1924 as Physicians and Surgeons Hospital near 17th and Rio Grande Streets. The Hospital was soon turned over to St. David's Episcopal Church which in turn formed a non-profit corporation, St. David's Hospital, with a community based Board of Trustees to oversee the operation. At that point, the Hospital was independent of the church in terms of financial support and governance except that the Rector of the church was an ex-officio member of the Board of Trustees.

The Hospital outgrew the 17th Street location and in 1955 was relocated to its present location at 919 East 32nd Street as a 104-bed facility with Austin's first recovery room. More

than 12,000 citizens came to the open house which was described as the largest in Austin's history at the time.

The existing facility consists of 3 separate hospitals, St. David's Hospital (acute care), St. David's Rehabilitation Center and St. David's Pavilion (gero-psychiatric). The acute care hospital consists of 315,500 s.f. with a permitted expansion in progress of 79,000 s.f. of hospital and 28,000 s.f. of parking. The entire campus is approximately 15 acres and contains nearly 700,000 s.f. of building floor area and over 500,000 s.f. of garage area. It has won awards for design of services in a compact, convenient and efficient space.

Since 1955 the Hospital has expanded many times to respond to public demand for services and to provide the latest and best in medical treatment. It is with this long and honored history of the provision of medical care to the people of the Austin community that St. David's Healthcare Partnership makes this application for PUD zoning to facilitate the predictability and flexibility that is essential to meet the medical needs of City of Austin, Travis County and the other Cities and Counties in the (area).

St. David's values the relationship it has developed with community leaders and neighborhood associations, specifically the Hancock Neighborhood Association and the Eastwoods Neighborhood Association. St. David's is committed to working closely with these two associations during this PUD process to ensure that the needs and concerns of the community are carefully considered and incorporated in St. David's plans for the future, to the extent possible. During this process, St. David's is committed to attend/participate in regularly scheduled meetings of these neighborhood associations, to ensure that the community is aware of and involved in the PUD planning process.

I. Characteristics of the Proposed PUD.

The Hospital proposes that the PUD have the following site development regulations and confer the following community benefits.

A Site Development Regulations.

1. Development occurring under the PUD would comply with the current LDC regulations and those regulations as set forth in the approved phased site plan # SPC-02-0028C and as modified by the PUD ordinance.
2. Future expansion may result in an increase in impervious cover and/or on-site detention.
3. Water quality requirements would be met through the payment of fees in lieu of on-site water quality facilities, or other environmental mitigation methods approved by the City and adopted as a part of the PUD ordinance.

4. Permitted uses sought under the PUD are delineated in the attached Exhibit "A".

B. Community Benefits

1. Community Health.

- i) St. David's facilities provide charity health care services in the amount of \$17.2 million dollars in 2002. St. David's is an integral part of the healthcare partnership in this region of Texas and takes that responsibility very seriously. The PUD expansion will allow St. David's to address ever increasing demand for charitable healthcare services in the region.
- ii) Admission policies prevent the accumulation of information based on race and ethnicity. St. David's in 2002 provided virtually the same demographic mix of patient as Brackenridge Hospital.
- iii) Women Services
 - a) In recognition of the unique nature of women's health issues, to provide for women's health services in a centrally located and convenient venue and to address the ever expanding demand for women's health services issues, the Hospital proposes the creation of a Women's Health Center contained within a 3rd floor expansion.
 - b) This PUD may allow for an expansion of neo-natal intensive care (NICU) and an expansion of rehabilitation facilities.
- iv) Specialty Services - St. David's provides a specialized arthritis therapy pool which is open and available to the public at no charge, in cooperation with the Austin Arthritis Association. St. David's also provides the only hyperbaric chamber, better known as a decompression chamber for the treatment of nitrogen narcosis (the bends) and carbon monoxide poisoning in this five county service area.

2. Non-Health Community Benefits

- I) Public meeting places
 - a) The Hospital has always made meeting facilities at the Hospital available to the general public. New

- expansions will include additional meeting facilities and such will be made available to the public.
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 - ii) Provide inner-city services, helps prevent sprawl and promotes a compact city through the provision of new and special medical and health services, including rehabilitation, women's and neo-natal facilities.
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II The Proposed PUD Conforms to the Purposes of Sec. 25-2-174 of the Land Development Code of the City of Austin

A The Proposed PUD Provides "Greater Design Flexibility for Development within the PUD"

1. The existing facility is located on approximately 13 acres of property. There is very little, if any, area for expansion of health services. Height limitations under "CS" Commercial Services of 60 feet would further restrict expansion. Existing facilities are less than 90 feet and the proposed Women's Services and Rehabilitation facilities will exceed the current zoning height limitation. PUD zoning would allow the establishment of heights

scaled and designed to meet the expansion demands for health services and greater height, ranging from 175 feet adjacent to IH 35 to 80 feet as the facilities near neighborhoods, and would allow for the expansion without the necessity for the removal of additional impervious cover and removal of additional significant trees. Under current circumstances a lateral expansion is economically infeasible.

2. The PUD would seek the combined use of parcels located adjacent but across 32nd street from the Hospital facilities through the use of air-space corridors, minimizing pedestrian traffic and the interaction between pedestrians and vehicles.
3. Combined Hospital/Medical and commercial uses supporting Hospital and Medical services would reduce the commercial development pressure on neighboring properties now committed to neighborhood residential and retail services.
4. The PUD zoning would allow St. David's Hospital to address the ever changing needs of the community indefinitely at the current location. The location of this Hospital facility in close proximity to Brackenridge Hospital and the Childrens Hospital of Austin allows for the coordination of the provision of hospital services. St. David's Emergency Department, (ED), is the primary back-up to Brackenridge ED. That benefit would be lost if the facility was forced to relocate for lack of ability to expand.

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- 1 Maximization of available resources
- 2 Homogeneous multi-use medical facility
- 3 Combination of free-standing facilities will reduce the amount of impervious cover over conventional development
- 4 Contributions to storm water facilities
- 5 Contributions to City Park facilities

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- 1 Contributions to the Urban Reforestation Fund
- 2 Allowing employees to work in close proximity to patient and medical services
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Because of the scarcity of available area for expansion of healthcare services that do not dictate location on identical floor levels, such as patient rooms, rehabilitation, medical offices, laboratories, and other like facilities, coupled with conservation of existing open space and trees; requires innovative and creative design flexibility, such as the ability to expand vertically wherever possible.

E. The Proposed PUD Ensures Adequate Public Facilities and Services.

Failure to expand at the current location would virtually ensure the lack of adequate public health care facilities not only for the downtown area of the City but for the five (5) county area served by St. David's and the other medical providers in the City. As mentioned before the PUD would at the same time allow for the development of facility and community parking, traffic controls, community health educational, recreational and community meeting facilities as well as other facilities serving not only the hospital but the community as a whole.

For the above mentioned reasons, the applicant respectfully requests a PUD zoning base district for the subject site and believes that aforementioned statement of purpose justifies the PUD land use designation. If you should have any questions regarding this matter please do not hesitate to call

Very truly yours,



John Joseph Jr.

cc: St David's Healthcare Partnership
Attention: Malcolm Belisle
Vice President Corporate Services

CLARK, THOMAS & WINTERS

A PROFESSIONAL CORPORATION

TELEPHONE (512) 472-8800

POST OFFICE BOX 1148
AUSTIN, TEXAS 78767

FAX (512) 474-1129

300 WEST 6TH STREET, 15TH FLOOR
AUSTIN, TEXAS 78701

September 12, 2006

City of Austin
Joe Pantalone, Director
Watershed Protection and Development Review Dept.
505 Barton Springs Rd.
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September 12, 2006

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4. Base Zoning District = General Commercial Services "CS"
5. Height = Central Business District "CBD"
6. Permitted uses sought under the PUD are delineated in the attached Exhibit "A".

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September 12, 2006

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1. 2% less impervious cover than what is currently allowed
 2. Utilization of Grow Green guidelines for landscaping if possible
 3. Utilization of an Integrated Pest Management (IPM) program
 4. Utilization of Green Builder standards for commercial development
 5. Tree mitigation at a higher than standard rate within the Hancock and Eastwood Neighborhood
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September 12, 2006
Page 7

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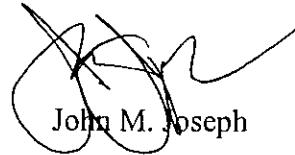
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September 12, 2006
Page 8

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Very truly yours,



John M. Joseph

cc: St. David's Healthcare Partnership
Attention: Malcolm Belisle
Vice President Corporate Services

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AUSTIN TEXAS 78767

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300 WEST 6TH STREET, 15TH FLOOR
AUSTIN, TEXAS 78701

September 12, 2006

Mr. Jorge Roussehn
City of Austin
505 Barton Springs, 5th Floor
Austin, TX 78704

RE: St David's Medical Center Planned Unit Development; C814-06-0068

Please consider this the formal response of the Owner/Applicant to the comments submitted by you and the Watershed Protection Development Review (WPDR) staff assigned to this case.

I will respond to each of the Reviewer's comments in the order in which they appear in the Master Review Report dated April 30, 2006

Drainage Construction --

DC-1 *Agree*

DC-2 *Agree*

Industrial Waste --

IW-1 *No Comment*

Transportation --

TR-1 *John Hickman has responded to all of the traffic comments*

Electric --

EL-1 *No Comment*

EL-2 *No Comment*

Site Plan --

SP1 a *See Land Use Plan*
b *See Land Use Plan*

September 12, 2006

Page 2

- c *See Land Use Plan*
- d *See Land Use Plan*
- e *See Land Use Plan*
- f *See Land Use Plan*
- g *See Attached Exhibit "A"*
- h *No Comment*

SP-2 *The proposed PUD has 10% open space. The PUD does not propose to reduce the amount of open space.*

[Sec. 25-2-411(K)(2)] Not less than 10 percent of a tract must be open space if, excluding the tract, at least 10 percent of the PUD district is open space.

SP-3 *Schematic drawings are attached that illustrate the height, bulk and location of the buildings.*

SP-4 *Please See Attached Variance List*

SP-5 *Please See Attached Variance List*

SP-6 *Helipad has been added as a Use on Exhibit "A"*

SP-7 *To our knowledge SPC-02-0028C will not be revised*

SP-8 *This site is within the Hancock Neighborhood Plan and does not require the future land use map to be revised*

SP-9 *No Comment*

Water Quality –

WQ-1 *Note 1 on Sheet 1 of 2 has been replaced with*

"In an Urban Watershed water quality controls are required in accordance with the Environmental Criteria Manual; and new development must provide for removal of floating debris from stormwater runoff as per LDC 25-8-211 "

WQ-2 *No Comment*

WQ-3 *Greg Griffin is meeting with Forrest Nikorak to discuss.*

September 12, 2006

Page 3

Environmental –

EV-1 *The Hospital will offer the following.*

- * *Utilization of Grow Green guidelines for landscaping*
- * *Utilization of an IPM program*
- * *Tree mitigation at higher than standard rate within the Hancock and Eastwood Neighborhoods*

Subdivision –

SR-1 *No Comment*

WWW –

WW-1 *These issues will be addressed at Site Plan*

Zoning/Land Use –

ZN-1 *Justification for the PUD is included in the PUD Purpose Statement. The following is a list of items that the PUD will offer that are superior to current land development code requirements.*

- * *2% less impervious cover than what is currently allowed*
- * *Implementation of Integrated Pest Management (IPM)*
- * *Utilize Green Builder standards for commercial development*
- * *Utilization of Grow Green guidelines for landscaping if possible*
- * *Tree mitigation at a higher than standard rate within the Hancock and Eastwood Neighborhoods*

ZN-2 *Base Zoning District = General Commercial Services "CS"*

Minimum Setbacks = Please see Land Use Plan

Minimum lot size = 5750 sq ft

Minimum lot width = 50 ft

Maximum building coverage = 90%

Maximum impervious cover = 90%

Units per acre = N/A

Maximum FAR = Main Campus = 2.15

North 32nd = 0.80

September 12, 2006

Page 4

ZN-3 Please See Attached Exhibit "A"

ZN-4 Please See Attached Exhibit "A"

ZN-5 Please refer to the PUD Purpose Statement and the Land Use Plan All development regulations will be the same for each phase/tract

ZN-6 St. David's is not currently using Green Builder Standards at their site The Applicant/Owner proposes to use the following standards

- * Grow Green Guidelines for landscaping if possible*
- * Integrated Pest Management*
- * Tree mitigation at a higher than standard rate*

The Applicant/Owner will prohibit the use of coal tar sealants within the proposed PUD

ZN-7 Please See Attached Variance List

ZN-8 The maximum FAR for each structure will be determined at Site Plan The FAR for Main Campus will not exceed 2 15 1 and the FAR for North 32nd will not exceed 0 80.1.

ZN-9 Please see Land Use Plan

ZN-10 There are 16 driveway cuts on the proposed Land Use Plan.

ZN-11 Please See ZN-8

ZN-12 Please See ZN-8

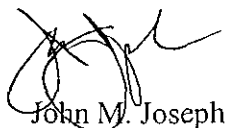
ZN-13 Please See Land Use Plan

September 12, 2006
Page 5

ZN-14 The proposed PUD will have a 2% reduction in allowable impervious cover

Please let me know if you should have any questions.

Sincerely,



John M. Joseph

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

RECEIVED

Case Number: C814-06-0068

Contact: Jorge Rousselin, (512) 974-2975 AUG 0 4 2006

Public Hearing:

August 8, 2006 Planning Commission Neighborhood Planning & Zoning

ELIZABETH ANDERSON

Your Name (please print)

2908 N. IH 35, 910 E. 32ND ST. # 202

Your address(es) affected by this application

[Signature]

Signature

8/1/06

Date

Comments I LIVE ON ONE SIDE OF ST. DAVID'S AND WORK ON THE OTHER, AND I FEEL THAT RAISING THE HEIGHT LIMIT FOR ST. DAVID'S PUTS BOTH MY HOME AND MY FAMILY'S BUSINESS, WHICH ARE BOTH UNDER 60' TALL, IN JEOPARDY. FURTHERMORE, HEAVY CONSTRUCTION ON THE ST. DAVID'S PROPERTY WILL NEGATIVELY AFFECT BUSINESS AT AUSTIN VETERINARY HOSPITAL, MY WORKPLACE + FAMILY'S BUSINESS, BY PREVENTING PEDESTRIAN ACCESS TO OUR BUILDING (SEE ATTACHMENT)

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810



~~and~~ AND BY STARTLING OUR PATIENTS WITH LOUD NOISES. FINALLY, THE PROPOSED CONSTRUCTION ON THE SITE OF THE HEALTH RESOURCE CENTER (SE CORNER OF THE ST. DAVID'S BLOCK) IS JUST ANOTHER SET OF OFFICES - ST. DAVID'S ALREADY HAS TWO PROFESSIONAL BUILDINGS (PARK AND PLAZA) AND THE DEVELOPERS OF THE CONCORDIA TRACT TO THE NORTH ARE PLANNING TO INCLUDE STILL MORE MEDICAL OFFICE SPACE TARGETED TO ST. DAVID'S EMPLOYEES. IF THIS PROPOSED STRUCTURE WERE A LIFE-SAVING FACILITY, SUCH AS THE NEWLY-CONSTRUCTED EMERGENCY CENTER, I MIGHT FEEL DIFFERENTLY, BUT THE CURRENT PROPOSAL IS ~~a~~ TRANSPARENTLY NOTHING MORE THAN A MONEY-MAKING ENDEAVOR BY AN ALREADY-GIGANTIC CORPORATE ENTITY.

Sincerely,

ELIZABETH J. ANDERSON
(512) 217-3146
GIRLEAT@AOL.COM

Hancock Neighborhood Association

October 17, 2006

To: City of Austin Planning and Zoning
attn: Jorge Rousselin
505 Barton Springs, Floor 5
Austin, TX 78704

Hancock Neighborhood Association would like to update the City on our concerns with St. David's PUD and with the status of our discussions with St. David's. The St. David's PUD issue has been ongoing for quite a while now. Hancock has been working hard to reach an agreement with St. David's. St. David's has been willing to meet and we appreciate the time that they have made available to hear from us. I believe that there is nothing contained in this letter that we have not communicated to St. David's during our meetings with them.

Recently, Hancock met with St. David's to try and work out an agreement. This meeting was a more serious effort to negotiate than past meetings. This discussion is currently ongoing. We remain cautiously optimistic that this recent discussion may lead to an agreement with St. David's regarding neighborhood support for their PUD. However, we would be remiss not to state that we are not at agreement yet, and that we need to clearly communicate our concerns. We are hopeful, but I wish to be clear that the Hancock Neighborhood Association opposes the St. David's PUD application based on the current filing. There are currently too many unanswered questions about height and density and it's impact on the neighborhood and on traffic. One of the parcels in the PUD lies within the Hancock Neighborhood Association boundaries. We remain open to discussion. We do not oppose St. David's proposed changes in allowed uses, nor do we oppose a reduction in impervious cover requirements for the site. However the remainder of the PUD is not to our satisfaction at this time.

We do not believe that St. David's has made its case that offering additional medical services requires height increases of the magnitude of those proposed in this PUD. These concerns are compounded by the fact that over the past three to five years, St. David's has planned two and completed one major enhancement to their property. In one case, they requested a height variance, which the neighborhood supported, along the I-35 frontage of the site. The neighborhood has given a lot at this point, and now we are being asked to give more.

Hancock's main concerns are traffic, safety, and allowing no more than the current St. David's 60 feet of building height along Red River. The Hospital has failed to adequately convince us on these issues. While St. David's has addressed a few of our concerns, they have continued to hold to unacceptable heights, especially in the "middle" section which extends to Red River. St. David's has been asking for the ability to more than double the density on their property, although no specific plans expansion plans are yet in place.

Hancock Neighborhood Association

The desires of an entity to change their current zoning must be balanced with the needs of the city overall and with the needs of the surrounding neighbors. It is this balanced approach that Hancock has sought to achieve.

The hospital has a duty as any other property owner in Austin to be a responsible neighbor. We have been uncomfortable with the current PUD for some of the following reasons:

1. We are concerned about traffic- efficient traffic flow is important for the travel of emergency vehicles.
2. The 30th and Red River intersection will be negatively impacted by development per St David's traffic impact analysis, and we have safety concerns as there are many student pedestrians and cyclists in the immediate area.
3. The PUD is looking for a waiver from compatibility.
4. Heights are excessive and St. David's has not demonstrated a near term need of development to requested heights.
5. There are no heights higher than 60 feet along Red River, north of the University. While our neighborhood plan acknowledged density along Red River, it seeks to maintain current heights.
6. St. David's is not a downtown site and the sought downtown heights do not belong in a neighborhood area. Requested heights of 175 feet are almost triple what is currently allowed.
7. Any heights over 60 feet should require a variance so that the neighborhood can assess the specific need and the specific height/bulk/location of the proposed height. The neighborhood showed a willingness to discuss a variance in good faith when it agreed to a height variance for a portion of the site along I-35.

The hospital has offered the following concessions to the neighborhood:

1. Heights pushed to I-35.
2. Path for traffic from new MOB garage to 32nd and then forced right turn to direct traffic to frontage road.
3. Will join in a request with neighborhood to widen 32nd street to existing ROW and St. David's will dedicate property along 32nd St. for sidewalks provided no adverse impact on impervious cover.
4. Some uses allowed in current CS, GR, GO zoning eliminated in new PUD use list
5. Maintain the existing trees within 30' of the roadway along 32nd, Red River, and 30th Streets and replace any trees taken during construction. If on-site replacement is not possible, one for one replacement for destroyed trees in locations selected by the Hancock and Eastwoods Neighborhood Associations.
6. Provide upgraded on-site directional signage. (They would want to do this anyway.)
7. Request CapMetro incorporate a link to the area commuter rail stop.
8. Maintain employee shift changes outside 7:30-9:30am and 4:30-6:30pm. (This is already happening.)

Hancock Neighborhood Association

Concessions the neighborhood has offered to the developer include:

1. Look at giving the hospital CS standards of 2:1 FAR and 95% impervious cover for whole deal. Agree to uses sought by applicant in their PUD. (Note that this alone is a huge amount of additional development rights.)
2. Support hospital in wanting to be able to install a sky bridge across 32nd to link to the hospital's north parcel.
3. Supported Hospital for a 120 feet variance in the southeast corner of the property. We will consider allowing additional height on the entire eastern half of the main 13 acre property (to 220 feet to the west of the I-35 property line). Any additional agreements to height would require more information from the hospital for the neighborhood.
4. Available to listen to and potentially support future requests for height variances as the needs arise.

Hancock would like to see the additional following items in St. David's PUD:

1. St David's to lobby for, pay pro-rata share and dedicate to ROW if necessary for a signalized left turn lane on 32nd at Red River. We understand that widening of 32nd cannot continue across Red River due to space restraints on the western side of Red River.
2. St. David's to support/joint-fund a city generated comprehensive traffic modeling of the area showing conditions before and after the proposed development, as the cumulative effect of the St. David's and East Avenue PUDs next door to each other is of great concern to the neighborhood. We want to feel comfortable that a thorough look has been given by the City of the cumulative effect of the two neighboring PUDs.
3. St David's to reduce heights currently requested.
- 4 St David's to consider making a contribution to enhance the neighborhood to help offset increased traffic burdens and increased people drawn to the area.

Hancock believes in the approach of requiring density bonuses for property owners that want to increase their development rights. We think this is fair. A PUD is not simply a zoning tool that allows a property owner to replace or delete zoning restrictions that do not suit them. Any request for relaxation of zoning restrictions should be based on an imminent need for development and should balance the needs of the surrounding neighborhood. Hancock will continue to be open to reaching some sort of mutually agreeable resolution with St David's.

Sincerely,



Bart Whatley,
Hancock Neighborhood Association President